

Response Under 37 CFR 1.116

Expedited Procedure

Examining Group 3700

Application No. 10/712,917

Paper Dated October 10, 2006

Reply to USPTO Correspondence of May 8, 2006

Attorney Docket No. 3419-032151

REMARKS

The Applicants have received what appears to be two identical Advisory Actions before the filing of an appeal brief. The first is dated September 28, 2006 and the second is dated October 2, 2006 and these will be referred to as the Advisory Action.

Claims 1-9, 15-18 and 41 are currently pending in this application. Claims 10-14, 57 and 60-63 are cancelled while the remaining claims have been previously withdrawn as a result of a restriction requirement.

In the Advisory Action and on page two of the Office Action, the Examiner objects to claim 41 as not complying with 37 CFR 1.173(b). Claim 41 has been represented as new with all of the text of that claim underlined.

All of the pending claims, except claims 1-9, 15-18 and 41 have been rejected based upon prior art. These claims, however, have only been rejected as being based upon the defective reissued oath/declaration under 35 U.S.C. 251 as stated on page 6 of the Office Action. The Examiner, however, indicates that such an oath/declaration must be received before this reissue application can be allowed.

Please find enclosed with this response, two separate copies of the "Supplemental Declaration For Reissue Patent Application To Correct "Errors" Statement (37 CFR §1.175)", one signed on behalf of inventor J. Michael Teets and the second signed on behalf of inventor Jon W. Teets. Further, accompanying this response is a "Petition By Person Having Proprietary Interest To File Application On Behalf Of Inventors Who Refuse To Sign Or Cannot Be Found (37 CFR 1.47(b))" and the documents supporting this Petition. A list of all documents in support of this Supplemental Declaration submitted with this Amendment is listed on Exhibit A of this response.

Therefore, the Applicants believe that the issues raised in the Office Action and the Advisory Action have now been addressed and the Applicants respectfully request reconsideration and allowance of pending claims 1-9, 15-18 and 41.

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Respectfully submitted,

THE WEBB LAW FIRM

By _____



James G. Porcelli

Registration No. 33,757

Attorney for Applicants

700 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

Telephone: (412) 471-8815

Facsimile: (412) 471-4094

E-mail: webblaw@webblaw.com

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EXHIBIT A

1. Supplemental Declaration with Added Page to Combined Declaration and Power of Attorney - Jon W. Teets Version
2. Supplemental Declaration with Added Page to Combined Declaration and Power of Attorney - J. Michael Teets Version
3. Petition by Person having Proprietary Interest
4. Statement Establishing Proprietary Interest
5. Statement Under 37CFR Section 3.73(b) for Reissue App
6. Statement Under 37CFR Section 3.73(b) for Original Patent
7. Assignment Recordation
8. Original Assignment
9. Statement of Facts In Support of Filing – Margaret Merton
Exhibits A-E
10. Statement of Facts In Support of Filing – Paul M. Reznick
Exhibits A-F